

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA,
ATLANTA DIVISION

RECEIVED IN CLERK'S OFFICE
U.S.D.C. Atlanta

OCT 31 2018

JAMES N. HATTEN, Clerk

By:  Deputy Clerk

RICARDO WILSON,

PLAINTIFF,

V.

CASE NO.

1:18-CV-5014

ROBERT "R. Kelly" KELLY, UNIVERSAL MUSIC,
JIVE RECORDS,

DEFENDANTS,

**VIOLATION OF THE UNITED STATES COPYRIGHT LAWS,
SUPPORTING MEMORANDUM OF LAW AND REQUEST FOR HEARING**

The plaintiff, Ricardo Wilson, respectfully requests this honorable court to grant his copyright claims pursuant to title 17 U.S.C. 102 (a), Chapter 5, Copyright Infringement and Remedies, request a hearing on the suit, and states:

JURISDICTION

Title U.S.C. 102 (a) holds that the court shall grant a judgement in a suit if the court determines that the judgement was

rendered without jurisdiction, or that there has been such a denial or infringement of the petitioner's constitutional rights as to render the judgement vulnerable to collateral attack.

VENUE

The plaintiff resides in the Northern District of Georgia and is living at 478 S. Atlanta St., Roswell, Georgia 30075. Therefore venue is appropriate in this district.

NATURE OF OFFENSE

The Defendants are music entertainment executives and an artist. The plaintiff is a freelance songwriter. An R&B song was written by the plaintiff Ricardo Wilson. The original song was titled "LOVE LETTER." The defendant, Robert Kelly, was given permission to record the song but did not give Wilson any writing credits or compensation for his contributions to the song. The song was recorded and sold in the music entertainment market. The song was also nominated twice for an American Grammy Award.

Chapter 5 Copyright Infringement and Remedies states the Copyright protection under section [17 U.S.C. 102 (a)]. Copyright protection subsist, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, or otherwise communicated, either directly, or with the aid of a machine or device. Work of authorship include (1) literary works; and (2) musical works, including any accompanying music. If a publisher gives a song to an artist it is copyright infringement if the artist accept the song change the words and publish the

song.

ARGUMENT

Wilson alleged that Robert "R. Kelly" Kelly recorded and released "LOVE LETTER" a song he wrote and to which he holds the copyright, without permission. The complaint is copyright infringement. The main issue is whether or not Kelly was wrong for putting the record on an album without having purchased the song through the proper channels. Robert Kelly is a multi-platinum, Grammy Award winning recording artist. Ricardo Wilson is a R&B songwriter, music producer, and rap artist. He claims that he composed "LOVE LETTER" an R&B song in 2008. The song "LOVE LETTER" has sold millions of copies and is being performed in concerts by Kelly. The recordings were put out by Universal Music and Jive Records. The lawsuit concerns those recordings.

The ownership history of the "LOVE LETTER" copyright is plain to see. Wilson and R. Kelly's manager, Renaldo Parker was serving prison time in Manchester, Kentucky's federal prison for unrelated charges. Parker and Wilson were neighbors in the same prison unit. Parker was informed about Wilson's writing potential and approached Wilson about sending songs to R. Kelly. Wilson agreed, but not before filing for the valid and registered copyrights. **(Exhibit's (A) and (B))**. Wilson was transferred to Pollock, Louisiana's federal prison before he heard the song "LOVE LETTER" being broadcasted nationally on the radio. **Desny v. Wilder, 46 (A) 2d 715, 299 p. 2d 257**. The Supreme Court recognized and implied contractual right to compensation when a writer submits material to a producer with the understanding that the

writer will be paid if the producer uses the concept. **Slaughter v. Raymond 9th district 2011.** Usher Raymond created the songs concept and title, Dupri and Cox co-produced it, and all three contributed to it's music and lyrics. Wilson created the song's title, concept, cadence, and some of the words. Kelly changed alot of the words and kept the cadence and title. Which is also the title of the album (LOVE LETTER). An infringer cannot excuse the wrong by showing how much of his work he did not pirate. "It is enough that substantial parts were lifted. **Erickson v. Trinity Theatre Inc. F.3d 1061, 1068.** Even if a person's contribution is minor, he enjoys all benefits of joint authorship.

**REQUEST FOR A HEARING
(IF NEEDED)**

The petitioner respectfully requests that this Honorable Court grant a hearing on the issues presented in this motion.

CONCLUSION

In light of the foregoing facts and arguments, petitioner respectfully requests that this Honorable Court grant his copyright claims.

Respectfully Submitted,

Ricardo Wilson

PRO SE

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Mauri A. Pallante

Register of Copyrights, United States of America

Registration Number
PAu 3-716-250

Effective date of
registration:

January 2, 2014

Title

Title of Work: Love Letter

Nature of Work: Song (music R&B) Lyrics

Completion/Publication

Year of Completion: 2009

Author

■ **Author:** Ricardo Wilson

Author Created: R&B song about writing a love letter to a loved one

Work made for hire: No

Copyright claimant

Copyright Claimant: Ricardo Wilson

5855 Walnut Creek Rd Apt C117, River Ridge, LA, 70123

Certification

Name: Ricardo Wilson

Date: January 25, 2011

Correspondence: Yes

Copyright Office notes: Regarding author information: deposit contains lyrics only.